

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA,)	Docket No.
)	
v.)	ARRAIGNMENT ORDER
)	
_____)	

The Defendant has acknowledged receiving a copy of the Indictment, has stated an understanding of the pending charges against him/her, and has entered a plea of:

- (☒) NOT GUILTY and requested a jury trial;
- (☐) NOT GUILTY and waived his/her right to a jury trial;
- (☐) GUILTY.

Wherefore, the Defendant and defense counsel are hereby advised that :

1. This case will be calendared for the _____ term of court at the United States Courthouse, _____, North Carolina, which is now scheduled to begin_____. Defendant and counsel will be notified of the specific date, location, and time to appear.
2. **Changes in Plea:** defendant must promptly notify the Clerk of this Court and the government.
3. **Jury Costs:** may be assessed against defendant if the plea is changed on the day of trial.
4. **Plea Agreement Filing Deadline:** 12 noon on the third Friday before calendar call.

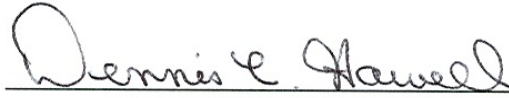
NOTICE: The government might impose a plea deadline that is shorter than that provided by the court. Such is a matter of plea negotiations within the prerogative of the Executive Branch. **The court cannot modify the government's plea deadline** and counsel should not file motions or place calls to the court seeking enlargements of the government's plea deadline.

5. **Open-File Discovery:**
 - a. **Counsel for defendant** shall immediately ask the Assistant United States Attorney assigned to this case whether the "open-file policy" will be in effect;

- b. **When the Open-File Policy is in effect**, counsel for defendant shall, within 10 days of this Order, conduct an initial examination of the discovery materials available;
 - 1. Defense counsel shall periodically review the government's open file and comply with the stipulation restricting use of discovery materials; and
 - 2. During the week in which the court's plea deadline falls, counsel for defendant shall review the government's open file, examine any materials added to the open file since counsel's previous examination(s), and complete the examination of such file.
 - c. **The United States** shall diligently comply with its announced open-file policy, Rule 16, Fed. R. Crim. P., and Brady requirements by timely placement of discovery materials in the file maintained for such purpose. In the event the government's file is supplemented with discoverable material after the plea deadline, the government shall promptly notify defense counsel;
- 6. **Pretrial Discovery Motions:** Such a motion shall be contained in one pleading captioned "**Motion for Discovery**" and filed no later than 15 days from the date this Order is filed. **ANY SUCH MOTION SHALL NOT CONCERN ANY MATTERS ALREADY COVERED IN THE STANDARD PRETRIAL DISCOVERY ORDER.**
 - 7. **All Other Pretrial Motions:** those specified by Rule 12(b)(1), (2), (3), and (4), Fed. R. Crim. P., must be filed no later than 30 days from the date this Order is filed and accompanied by a supporting memorandum of law.
 - 8. **Motions for Issuance of Subpoenas at Government Expense:** such motions must be filed no later than 12 business days before the term at which the case is scheduled to be tried.
 - 9. **Motions Not Timely Filed Will Be Summarily Denied.**
 - 10. **Failure to Exercise Diligence** in filing motions or complying with paragraph 5 is sanctionable.
 - 11. **Special Jury Instruction Requests:** shall be filed no later than one week prior to trial.

- 12. In the Event of a Mistrial:** further pretrial motions must be filed within 15 days of declaration.

Date:



Dennis L. Howell
United States Magistrate Judge

